

Minutes of a Regular Meeting Town of Los Altos Hills PLANNING COMMISSION

Approved 4/3/2008

THURSDAY, March 6, 2008, 7:00 p.m.
Council Chambers, 26379 Fremont Road

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

The regular meeting of the Planning Commission was called to order at 7:00 p.m. in the Council Chambers at Town Hall.

Present: Chairman Carey, Commissioners Cottrell, Clow, Collins and Harpootlian
Staff: Debbie Pedro, Planning Director; Brian Froelich, Associate Planner; Richard Chiu, City Engineer; and Victoria Ortland, Planning Secretary

2. PRESENTATIONS FROM THE FLOOR - none

3. PUBLIC HEARINGS

- 3.1 LANDS OF LOS ALTOS HOMES, LLC, 26462 Purissima Road, File #166-07-ZP-SD-GD; A request for a Site Development Permit for a 10,975 square foot two-story new residence (maximum height: 27 feet), a 960 square foot detached single story secondary dwelling unit, and a 1,200 square foot swimming pool and spa. CEQA Review: Categorical Exemption per Section 15303 (a) & (e) (Staff-Brian Froelich). (CONTINUED FROM THE JANUARY 17, 2008 PLANNING COMMISSION MEETING).

Ex Parte Contacts Policy Disclosure: Chairman Carey had exchanged emails and spoken by telephone with one of the applicants. Commissioner Clow had met one of the applicants at the site and spoke briefly to him before the Planning Commission meeting. Commissioners Collins and Harpootlian had met the applicants at the site. Commissioner Cottrell had exchanged emails with one of the applicants.

Brian Froelich, Associate Planner, presented the staff report explaining that the application before the Planning Commission was continued from the January 17, 2008 meeting. The two acre site has frontage on Purissima Road. A two story residence, secondary unit, pool, tennis court and horse barn are proposed. At the January 17, 2008 meeting, the Planning Commission requested that the applicant return with an immediate landscape screening plan and a study of the implications of moving the house 15 to 20 feet to the south. The Commission also recommended the landscape screening deposit be increased to \$20,000. Of the 49 proposed trees on the landscape plan, 17 are 48 inch box oak and eight are 48 inch box madrone trees. The remaining trees are 24 inch box or larger of various native species. Proposed to be planted around the perimeter of the property are 264 drought tolerant shrubs of native species in five to 15 gallon

size. The Environmental Design Committee commented that they would prefer the plants grouped in clustered arrangements rather than planted primarily around the perimeter of the property. The Committee also recommended that the three proposed bay trees should be moved away from the oaks and the ceanthus shrubs should be moved to receive more sunlight. The applicant asserts that relocating the house would be beneficial to some neighbors while being detrimental to others. The previously proposed masonry wall at the property boundary adjacent Highway 280 has been replaced on the plan with a wooden fence. Concerns over construction parking have been addressed in Condition 19, the Construction Operation Plan, requiring that all construction parking will be accommodated on the site. The location of the air conditioning units has been moved to the northwest side of the building. The trash containers remain in the original location with a six-foot tall fence and shrubs for screening.

Dipesh Gupta, Applicant, reviewed the Commission directives and neighbor concerns from the January 17, 2008 Planning Commission meeting. To mitigate neighborhood impact, the air conditioning units have been moved to the northwest side of the structure with additional screening planned. The a/c units are closer to another neighbor now but the applicants are willing to consider relocating them again. The sound wall has been eliminated from the plan. All construction parking will be on the site and will be included on the construction operations plan. He acknowledged the increased landscape deposit of \$20,000. The initial landscape screening plan has been submitted after consultation with the neighbors. They had worked closely with the architect to evaluate various options for relocating the house 15 to 20 feet. The guiding principle for the landscape screening plan had been to come up with a plan that blends with the neighborhood and utilizes native, drought tolerant vegetation that is evergreen with dense foliage. Special attention was paid to the height of the trees at planting. Before construction begins, 25 trees between 12 to 18 feet high and 16 trees 10 to 12 feet high will be installed. Also planted in strategic locations will be 15-gallon shrubs for screening purposes. The bay trees will be replaced by any selection recommended by the Planning Commission. Screening will be planted to mitigate the headlight impact from the driveway and to screen the trash containers. Regarding the view impact from Mr. Kirkpatrick's home, 75 percent of the new residence will be below the floor level of the first floor of the Kirkpatrick house. There is an approximate difference of 22 feet in the first floor level height of the two homes and a distance of 110 feet apart. After completion of the new residence, two thirds of Mr. Kirkpatrick's house will probably still be visible from Purissima Road. The implications of moving the house 15 to 20 feet would violate the Town's side yard setback, requiring a complete redesign of the structure. Other options were investigated for relocation and the impacts deemed worse. The applicant's best efforts were used to mitigate neighbor impact. He felt the initial impact to Mr. Kirkpatrick's residence was not as significant as originally perceived. The project was in total compliance with Town codes and to require change would create significant impact to them.

OPENED PUBLIC HEARING

George Kirkpatrick, Purissima Road, commented on the metal roof section and skylight of the new house that would be in direct view from the second floor of his home. He was concerned that solar panels might be installed on the roof in the future and cause reflected glare in the direction of his residence. The lighting on the back of the building would create a "streetlight effect" with a big glow a great deal of the time. He was pleased with the landscaping plan. He

had concerns with the safety issue of drivers on Purissima Road viewing the structure. He asked the Planning Commission to deny the permit.

Commissioner Collins suggested that viewing the landscape screening plans might solve some of Mr. Kirkpatrick's site concerns from his property.

Mr. Kirkpatrick replied that the trees needed to be much higher than the ones specified to obscure the view of the metal roof.

Commissioner Collins asked Mr. Kirkpatrick if he still had concerns about the location of the house.

Mr. Kirkpatrick stated that the house should move farther down. He also felt the fence surrounding the tennis court would affect Palaniappan Jambulingam's (another adjacent neighbor) view.

Discussion ensued regarding the lighting on the back of the new residence and the chance for future solar panel installation.

Paul Hickman, Purissima Road, said the builders had been very cooperative in discussing issues with the neighbors. As far as the location of the main house, if the area to the south were made more flexible, sufficient space would be available to relocate the house without disrupting the applicant's plans. He felt it would be better for him and the Kirkpatrick's to have the house moved farther to the south.

Chairman Carey said in terms of what the applicant is trying to accomplish on the site with the entryway, etc., there are functional and overall goals that would be lost with relocation of the house.

CLOSED PUBLIC HEARING

Dipesh Gupta, Applicant, stated that per Mr. Kirkpatrick's concern, the lights on the residence would be frosted and etched. Any lights that the Planning Commission suggested will be installed. Regarding Mr. Hickman's request to relocate the house, moving the house 15 to 20 feet would require redesign. Moving the house farther, 60 to 80 feet, would create a huge impact of significant magnitude for other neighbors.

Chairman Carey asked what area of the roof is planned to be metal.

Mr. Gupta explained that the flat portion of the roof will be metal. The roof material will not be reflective.

Commissioner Harpootlian asked if copper would be the metal that would be used for the roofing material.

Nova Sayadian, Architect, explained that the proposed roof material is a ribbed, powder coated, commercial type metal roofing. It can be colored in many different formats, is not reflective and would not fade for 30 years.

Chairman Carey said he was not familiar with metal roof products and wanted to prevent an industrial look.

Commissioner Cottrell suggested that the Planning Commission could not design the roof. Metal roofing is used for many buildings, is not reflective and will last a long time.

Commissioner Clow asked what method of watering was planned for the landscape.

Mr. Gupta replied that a drip irrigation system would be used.

Commissioner Clow felt the applicant had done an outstanding job with the landscape plan. The landscape installation before construction begins gives the neighbors screening during the building process. A condition of approval can be provided to address the concern of Mr. Kirkpatrick regarding the sun's glare off the metal roof. Moving the location of the residence would hurt one neighbor more than it would help the other neighbors. He recommended approval of the project.

Commissioner Collins explained that she felt the purpose of the Planning Commission was to resolve conflict. She acknowledged that the project had been in three public hearings and was returned to the Planning Commission to resolve conflict. If all new residences in Los Altos Hills had only to meet the ordinances, there would be more conflict in the community and no purpose for the Planning Commission. She saw the project as big and beautiful, but significant neighborhood conflict remained. The application had fallen short of standards that other large projects had met in the past, such as the Malavalli project. The application still remained in the design process and change could still be made. She supported moving the house back 20 feet and rotating it, if necessary. This type of compromise on a project of this scale was not too much to ask.

Commissioner Harpootlian felt that a large home being built on the empty field has an impact on the neighborhood. The applicant had made an excellent effort in working with the neighbors to help mitigate the impact. The roof glare issue would be solved during construction. He was neutral in regard to moving the air conditioning units. He requested acceptance of the recommendations of the Environmental Design Committee. He felt the installation of the landscape screening before construction would make a big difference in the view to the neighbors.

Commissioner Cottrell hoped the neighbors appreciated the applicant's extraordinary effort on their behalf. In his nearly nine years on the Planning Commission, he remembers few cases where anyone was willing to plant landscape screening before construction began. He appreciated the concerns of the neighbors but did not think a redesign of the property was practical or in the Planning Commission's purview to ask for. The codes have all been met and the applicant has worked hard to mitigate the effects of the construction on the other property

owners. He felt very strongly that the applicant had gone the extra mile to be neighborly. He supported the project as submitted.

Chairman Carey supported the application as presented. He felt that the applicant had done whatever is reasonable to try to make the project work. It is not a perfect situation for the neighbors and he respected their concerns. The pre-construction perimeter landscape screening plan is good. He did not feel the neighborhood would benefit from moving the house.

MOTION SECONDED AND PASSED: Motion by Commissioner Cottrell and seconded by Commissioner Clow to approve the requested site development permit for the new residence subject to the conditions of approval in Attachment one, Lands of Los Altos Homes, LLC, 26425 Purissima Road.

AYES: Commissioner Clow, Cottrell, Harpootlian and Chairman Carey

NOES: Commissioner Collins

This project is subject to a 22 day appeal period.

- 3.2 Amendment to the Zoning Ordinance with regard to structure height. (Sections 10-1.227 and 10-1.504) The draft ordinance amendment involves minor language changes to further clarify the definition of structure height and how structure height is measured. CEQA Review: exemption per Section 15061 (b) (3) (Staff-Brian Froelich).

Brian Froelich, Associate Planner presented the staff report stating that at the October 4, 2007 Planning Commission meeting, the Commission requested an ad-hoc committee be formed to examine the Town's height standards. The recommendations from the committee are a "tune up" to the existing language. He specified that no changes to any standards are proposed just clarification language to the existing code. Two main points of clarification were discussed by the committee with regard to "pad level" and "basements" and how they are calculated in assessing building height.

First, the pad level is the area excavated and compacted below the foundation. Current code requires measurement from pad or lowest natural or finished grade. In practice, Town staff has never calculated the pad level of a basement in the height but has calculated a pad where a typical crawl space is proposed. Homes with basements have been measured from natural or finished grade whichever is lower. This inadvertently gives an incentive to designers to include basements and allow those designs to be taller. The Committee chose to remove the pad level measurement requirement and measure height from adjoining grade (natural or finished, whichever is lower).

Secondly, basements are very common with new residences currently and some designs include light wells and daylighted basements. No where in the current height ordinances are basements noted so the committee addressed this issue by specifying how structure height should be measured for all types of basement designs.

Discussion ensued among the Commissioners regarding the changes in the height standards. Following discussion, the Planning Commissioners commended the committee's efforts. The Commission unanimously noted that the proposed changes clarified the code and will be helpful in reviewing future projects.

MOTION SECONDED AND PASSED BY CONSENSUS: Motion by Commissioner Harpootlian and seconded by Commissioner Cottrell to recommend to City Council the approval of the amendment to the Zoning Ordinance with regard to structure height (Sections 10-1.227 and 10-1.504).

AYES: Commissioners Clow, Collins, Cottrell, Harpootlian and Chairman Carey

NOES: None

This recommendation will be forwarded to a future City Council meeting.

4. OLD BUSINESS - Water Conservation Committee Report

Commissioner Harpootlian presented an update on the State's Model Water Efficient Landscape Ordinance and the City Council's request for the Planning Director to prepare a response.

He expressed concerns of the Environmental Design Committee that the current requirements for landscape screening applications were insufficient.

5. NEW BUSINESS - none

6. REPORT FROM THE CITY COUNCIL MEETING

6.1 Planning Commission Representative for February 28th – Commissioner Collins reported on the City Council's discussion regarding AB 1881 Model Water Efficient Landscape Ordinance. Council had directed planning staff to prepare a comment letter by March 27, 2008. Chairman Carey had given a presentation on the plans for the Bullis-Purissima School soccer fields and Council involvement in the issue.

6.2 Planning Commission Representative for March 13th – Commissioner Clow

6.3 Planning Commission Representative for March 27th – Commissioner Cottrell

6.4 Planning Commission Representative for April 10th – Chairman Carey

7. APPROVAL OF MINUTES

7.1 Approval of February 21, 2008 minutes.

MOTION SECONDED AND PASSED BY CONSENSUS: Motion by Commissioner Clow and seconded by Commissioner Harpootlian to approve the February 21, 2008 minutes as presented.

8. REPORT FROM FAST TRACK MEETING - none
9. REPORT FROM SITE DEVELOPMENT MEETING – MARCH 4, 2008
 - 9.1 LANDS OF EVANS, 12681 Miraloma Way; File #163-07-ZP-SD; A request for a Site Development Permit for landscape screening. CEQA review: Categorical Exemption per Section 15304 (b) (Staff-Nicole Horvitz) (Approved with conditions).
10. ADJOURNMENT

The meeting was adjourned by consensus at 8:44 p.m.

Respectfully submitted,

Victoria Ortland
Planning Secretary